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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,624	03/23/2001	Walter Canis	END9-2000-0145US1	7110
23550	7590	08/04/2004	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			NEURAUTER, GEORGE C	
3 E-COMM SQUARE			ART UNIT	
ALBANY, NY 12207			PAPER NUMBER	

2143

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,624

Applicant(s)

CANIS ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-28 are pending and have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-7, 10-13, 15-19, 22-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by “A Simple Network Management Protocol (“SNMP”).

Regarding claim 1, “SNMP” discloses a system for mapping a network, comprising:

a collection system for collecting device information from devices on the network;
(section 3, “The SNMP Architecture”)

a timer system for collecting the device information at scheduled times (“polling”);
(section 3.2.3, “Operations Supported on Management information”, paragraph beginning “The strategy implicit...”)

an analysis system for analyzing the collected device information; and a report system for generating a mapping report based on the analyzed device information
(“management applications” or “SNMP management entities”; section 3, “The SNMP Architecture”)

Regarding claim 2, "SNMP" discloses the system of claim 1, wherein the collection system comprises at least one collection tool ("agent") for collecting the device information. (section 3, "The SNMP Architecture")

Regarding claim 3, "SNMP" discloses the system of claim 1, wherein the analysis system comprises rules for resolving any conflicts between device information collected by the collection tools. (section 4.1.2, "The GetRequest-PDU", the paragraph beginning "Upon receipt of the GetRequest-PDU..." and all subsequent indented paragraphs)

Regarding claim 6, "SNMP" discloses the system of claim 1, further comprising a permission system for gaining user access to the network. (section 2, "Status of this Memo", paragraph beginning "This RFC is a pre-release...", the sentence "This memo defines a simple protocol...")

Regarding claim 10, "SNMP" discloses the system of claim 9, wherein the report system outputs the generated report. ("management applications" or "SNMP management entities"; section 2, "Status of this Memo", paragraph beginning "This RFC is a pre-release...", the sentence "This memo defines a simple protocol..."; section 3, "The SNMP Architecture")

Regarding claim 12, "SNMP" discloses a method for mapping a network, comprising the steps of:

installing collection tools ("agent") on a collection apparatus ("network element"); (section 3, "The SNMP Architecture")

communicating the collection apparatus with the network; (section 3, "The SNMP Architecture")

operating the collection tools to collect device information from devices ("network element") on the network; (section 3, "The SNMP Architecture")

analyzing the device information; and reporting the analyzed device information. ("management applications" or "SNMP management entities"; section 3, "The SNMP Architecture")

Regarding claim 13, "SNMP" discloses the method of claim 12, wherein the collection apparatus comprises at least one processor. ("management stations", section 3, "The SNMP Architecture")

Claim 7 is rejected since claim 7 recites a system that contains substantially the same limitations as recited in claims 1-3 in combination.

Claim 11 is rejected since this claim recites a system that contains substantially the same limitations as recited in claim 6.

Claim 15 is rejected since this claim recites a method that contains substantially the same limitations as recited in claim 3.

Claims 17-19 and 22 are rejected since these claims recite a program product that contains substantially the same limitations as recited in claims 1-3 and 6 respectively.

Claims 23-25 and 28 are rejected since these claims recite a computer system that contains substantially the same limitations as recited in claims 1-3 and 6 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-5, 8-9, 14, 20-21, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SNMP".

Regarding claim 4, "SNMP" does not expressly disclose wherein the device information includes device identity, device addresses, device characteristics, software installed on the devices, and software characteristics of the devices on the network

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The operation of the system would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Regarding claim 5, "SNMP" also does not expressly disclose wherein the generated mapping report includes the device types, the device addresses, the device characteristics, the software installed on the devices, and the software characteristics, however, this claim is also rejected based on the rationale provided above regarding claim 4.

Claims 8, 14, 20, and 26 are also rejected since these claims recite a system, method, program product, and computer system that contain substantially the same limitations as recited in claim 4.

Claims 9, 21, and 27 are also rejected since these claims recite a system, method, program product, and computer system that contain substantially the same limitations as recited in claim 5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 568 605 A to Clouston et al;

US Patent 5 659 543 A to Ater et al;

US Patent 5 889 953 A to Thebaut et al;

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US Patent 5 964 837 A to Chao et al;

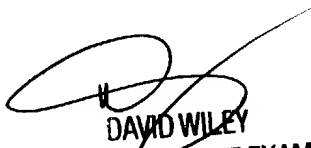
US Patent 6 421 719 B1 to Lewis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn


DAVID WILEY
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